

In response to the Examiner's requirement for restriction, Applicants elect the subject matter of Group I (claims 1-11) for prosecution in this application. The election is made with traverse.

The Examiner contends that there is a lack of unity on the grounds that "[a]s indicated in the International Preliminary Examination Report of PCT/DK98/00245, certain claims are anticipated by W098/03652 and W097/35975, and therefore the claimed invention as a whole is not novel".

Respectfully, the Examiner's comment is neither correct nor relevant.

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The present case is unrelated to ~~PCT/DK98/00245~~. Further, neither W098/03562 nor W097/35975 is cited in the IPER of the present case as anticipating any claim. Indeed, the IPER acknowledges novelty of all of claims 1 to 20. No opinion was established on claims 21-23 (see section III of the IPER which states that questions of whether these claims are novel or involve an inventive step have not been examined). Further, claims 19, 20, 22 and 23 have been canceled in the present application and, as indicated above, claim 21 is cancelled here.

The claims remaining in this application (1-18) all contain the same or corresponding special technical feature as defined in the PCT, in that they all reflect the novel

and non-obvious finding that P/CAF interacts with and acetylates E2F. Claims 1 to 18 were acknowledged to be novel in the IPER.

Furthermore, claims 12, 13 and 14 are dependent on claim 1, and incorporate all features recited therein - inherently including the special technical feature. Claims 12 and 13 have been placed in a Group II but should properly be in Group I. Restriction is clearly improper.

Also, claim 14 (dependent on claim 1 as noted) recites use of a peptidyl agent, and is not drawn to a nucleic acid - contrary to the Examiner's grouping with claim 18 (although one option within claim 14 is use of a nucleic acid).

In view of the above, the Examiner is urged to reconsider the requirement for restriction and withdraw same. Given the relatedness of the subject matter, it is earnestly believed that no undue burden would be placed on the Examiner if all of the claims were to be considered in the same application.

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An early and favorable Action on the merits is
awaited.

Respectfully submitted,

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